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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chartrain, M. *et al.*

Serial No.: 10/588,295

Case No.: 21502P

Art Unit: 1636

Filed: August 4, 2006

Examiner: Joike, Michele

For: PROCESS FOR LARGE SCALE PRODUCTION OF
PLASMID DNA BY *E. COLI* FERMENTATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE (ALONG WITH ANY PAPER REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:

Jodi Hobbs

DATE:

October 15, 2008

RESPONSE TO RESTRICTION REQUIREMENT, 35 U.S.C. § 121 and § 372

Dear Sir:

In response to the Office Action mailed September 17, 2008, please consider the following election. Time for responding to this Office Action has been calculated to run through Friday, October 17, 2008. However, if additional time is required to enter this response, please treat this paper as a request under 37 C.F.R. § 1.136(a) to extend the time as required and charge Merck Deposit Account No. 13-2755 the appropriate fee as a large entity.

Submitted herewith is a supplemental Information Disclosure Statement/PTO 1449 in accordance with 37 CFR § 1.97(b)(1) and copies of the cited art.

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims which begins on page 2 of this paper.

REMARKS begin on page 7 of this paper.